

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY FIRST DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 2993 of 2005

Between:

Kottor Vijaya Kumar S/o. Kottor Limbaiah
R/o. 4-35, Konasamudram, Kammar Pally, Nizamabad - A.P.

..... PETITIONER

AND

The Passport Officer, Regional Passport Office,
Secunderabad. A.P.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue Writ or Order, particularly Writ in the Nature of Mandamus, declaring the inaction of the respondent to issue fresh passport by correcting the date of birth as 10th June, 1973 from the that of the incorrect date of birth mentioned as 10th May, 1969 in Old Passport No. A-7623867 dt. 20th April, 1999, which was valid up to 19th April, 2009 by receiving the application of the petitioner 9th Feb., 2005 as arbitrary, illegal and high handed on the part of the respondent and pass any other suitable orders in the circumstances of the case in the interests of justice.

Counsel for the Petitioner:MR.BAJRANG SINGH THAKUR

**Counsel for the Respondent : MR.ARAJASHEKAR REDDY (SC FOR CG) and
Smt.Y.B.Saraswathi (Addl.SC for CG)**

The Court at the stage of admission made the following :

ORDER:

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Heard the learned counsel for the petitioner and the learned standing counsel for the Central Government appearing for the respondent-Passport Authority-Passport Authority.

It is the case of the petitioner that his actual date of birth is 10.06.1973, but in the passport issued to him by the respondent-Passport Authority on 20.04.1999, his date of birth was wrongly mentioned as 10.05.1969, and that though he made a representation to the respondent-Passport Authority on 09.02.2005 together with the requisite fees, for a fresh passport incorporating the correct date of birth, the respondent-Passport Authority refused to entertain his representation on the ground that he has no power to make correction of date of birth in the passport and made an endorsement on his representation to bring an order from the Court regarding correction of his date of birth. Aggrieved by the said action respondent, this writ petition is filed.

It is required to be noticed that there is no provision under the Passports Act, 1967, which empowers the Regional Passport Officer to correct entries in the Passport. However, pursuant to the judgment of the High Court of Judicature at Bombay, in W.P.No.1072 of 2000, the Government of India issued instructions/clarifications in Circular dated 18-04-2001, which are to the following effect:

“ (a) Where an applicant is seeking rectification/correction of a mistake in the entry on date of birth/place of birth in the passport, PIA (Passport Issuing Authority) may after verifying/satisfying himself, effect the correction treating the same as a technical correction. There is no need for a declaratory order in such cases.

(b) Where a competent authority issuing a birth certificate or an educational board registering a date of birth along with place of birth as valid were to issue any correction or amendment, PIA may effect the

necessary amendment in the passport without insisting on a Court Order. As per the provisions of Section 21 of the General Clauses Act, 1997, a competent authority issuing a certificate could also make necessary amendments to the same.

(c) Where the initial entry has been made on the basis of a supportive document issued by one competent authority i.e., school/educational authority and the applicant subsequently requests for a change on the basis of a certificate issued by another competent authority i.e., municipal authorities resulting in conflicting sources of valid proof, the PIA should direct the applicant to obtain a civil order from a competent court of jurisdiction, certifying the valid date of birth/place of birth.”

As on today, if any request for correction of date of birth in the passport is made, the Passport Issuing Authority is required to follow the aforementioned instructions. In that view of the matter, the respondent ought to have considered the application of the petitioner for fresh passport in the light of the above instructions in Circular dated 18-04-2001.

Accordingly, the Writ Petition is disposed of with a direction to the respondent to consider the request of the petitioner afresh on the basis of his application dated 09.02.2005 for issuance of fresh passport with correct date of birth and process the same after verifying the genuineness or otherwise thereof basing on the documents the petitioner may file in support of his case for change of date of birth, in the light of the aforementioned guidelines, and pass appropriate orders.

With the above directions, the writ petition is disposed of. No costs.

21.02.2005

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To

1. The Passport Officer, Regional Passport Office,
Secunderabad. A.P.

2. 2 CD copies.